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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,345	11/14/2001	Kazuhito Miyaki	100809-00089 (SCEY 19.175	5804

26304   7590   07/22/2004

KATTEN MUCHIN ZAVIS ROSENMAN
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER
NGUYEN, KIM T

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Interview Summary	09/993,345	MIYAKI ET AL.
	Examiner	**Art Unit**	
	Kim Nguyen	3713	

All participants (applicant, applicant's representative, PTO personnel):

(1) *Kim Nguyen*.   (3)_____.

(2) *Thomas Bean (applicant's representative)*.   (4)_____.

Date of Interview: *20 July 2004*.

Type: a)☒ Telephonic   b)☐ Video Conference
       c)☐ Personal [copy given to: 1)☐ applicant   2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes   e)☐ No.
   If Yes, brief description: _____.

Claim(s) discussed: *11 and 12*.

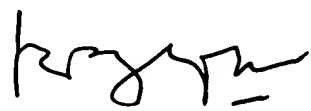Identification of prior art discussed: *Best (US 4,305,131)*.

Agreement with respect to the claims f)☒ was reached. g)☐ was not reached. h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *Applicant proposes to amend claims 11-12 (see attachment) to clarify the difference between the present application and the Best reference. Examiner agrees that Best does not disclose the claimed features in claims 11-12 of the proposed amenment .*

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an
Attachment to a signed Office action.   _____
                                                          Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)
In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
    (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

(Attachment) **DRAFT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Kazuhito MIYAKI
		Junichi FUJISAKU
Serial No.	:	09/993,345
Filed	:	November 14, 2001
Title	:	**METHOD OF BRANCHING FLOW OF GAME**
Examiner	:	Kim T. Nguyen
Group Art Unit	:	3713

July 14, 2004

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

In response to the final Office Action dated April 22, 2003, please amend the

subject application as follows:

Any fee due as a result of this paper, not covered by an enclosed check, may be charged on Deposit Acct. No. 50-1290.	Filed by Express Mail Receipt No _____ On_____ By_____ Patricia Muir

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IN THE CLAIMS

1. (previously presented) A story branching control method for a video game whose content of a story is branched in accordance with a player's instruction, comprising the steps of:

providing a branching point selectable by a user for determining a flow of the story;

receiving a search instructing input for searching for the branching point;

searching for the branching point for a predetermined period of time after receiving the search instructing input;

determining whether the branching point exists during the predetermined period of time after receiving the search instructing input; and

determining a branch destination of the story in accordance with a success or failure of determining whether the branching point exists during the predetermined period of time.

2. (previously presented) The story branching control method according to claim 1, further comprising the step of:

setting a predetermined variant value for use in the determination of the branch destination in accordance with the result of the determining whether the branching point exists during the predetermined period.

3. (previously presented) The story branching control method according to claim 2, further comprising the steps of:

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incrementing a number after the determining step; and

setting a value of the incremented number as the predetermined variant value.

4. (original) The story branching control method according to claim 2, further comprising the step of:

determining the branch destination in accordance with the predetermined variant value.

5. (previously presented) The story branching control method according to claim 4, further comprising the step of:

determining the branch destination in accordance with the variant value set by an initial value of a predetermined variant or by in accordance with the result of the determining whether the branching point exists during the predetermined period, when the branching point to have been reached is detected by the flow of story within a period excluding the predetermined period of time.

6. (previously presented) The story branching control method according to claim 1, further comprising the step of:

setting a predetermined flag in accordance with the result of the determining whether the branching point exists during the predetermined period.

7. (original) The story branching control method according to claim 6, further comprising the step of:

determining the branch destination in accordance with the predetermined flag.

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8. (original) The story branching control method according to claim 1, further comprising the step of:

generating a predetermined search notification signal for notifying the search being made, simply within the predetermined period of time from the search instructing input.

9. (original) . The story branching control method according to claim 1, further comprising the step of:

generating, when the branching point to have been passed is detected by the flow of information within a period excluding the predetermined period of time, a predetermined pass notification signal for notifying the branching point to have been passed.

10. (original) The story branching control method according to claim 9, further comprising the step of:

generating the predetermined pass notification signal, simply when the branching point to have been passed is a predetermined one of whole branching points set on the way of the flow of story.

11. (currently amended) A story branching control method for a video game whose content of a story is branched in accordance with a player's instruction, comprising the steps of:

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providing a current branching point selectable by the player for determining in a flow of the story;

receiving a search instructing input of the player for searching for the current branching point;

determining that the current branching point exists after receiving the search instruction input; and

determining a branch destination of the story in accordance with a predetermined variant value, when having reached the branching point by the flow of the story wherein the predetermined variant value is determined as a function of a prior success or failure in determining the existence of another branching point that preceded the current branching point.

12. (currently amended) A notification signal generating method for a video game whose content of a story is branched in accordance with a player's instruction, comprising the steps of:

providing a branching point searchable by the player for determining in a flow of the story; and

generating, when having passed the branching point by the flow of the story without having received a search instructing input of the player, a predetermined pass notification signal notifying the branching point to have been passed.

13. (previously presented) The notification signal generating method according to claim 12, further comprising the step of:

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generating the predetermined pass notification signal, simply when the branching

point to have been passed is a predetermined one of whole branching points set on a way

of the flow of the story.

14. (previously presented) A program executing apparatus for executing

processing program whose content of a story is branched in accordance with a player's

instruction, comprising:

search instructing input detecting means for detecting an input of a search

instructing input by the player;

searching means for searching for a branching point provided on a way of a flow

of the story, for a predetermined period of time from detecting the search instructing

input;

branch point determining means for determining whether the branching point

exists during the predetermined period of time after detecting the search instructing input;

and

branch destination determining means for determining a branch destination of the

story in accordance with a success or failure of the branch point determining means in

determining whether the branching point exists during the predetermined period of time.

15. (previously presented) A recording medium having recorded therein a

processing program whose content of a story is branched in accordance with a player's

instruction, the processing program comprising and making a computer execute the steps

of:

detecting an input of a search instructing input by the player;

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searching for a branching point provided on a way of a flow of the story, for a predetermined period of time from detecting the search instructing input;

determining whether the branching point exists during the predetermined period of time after detecting the search instructing input; and

determining a branch destination of the story in accordance with a success or failure of determining whether the branching point exists during the predetermined period of time.

16. (previously presented) A computer with a memory storing a processing program whose content of ~~the~~ a story is branched in accordance with a player's instruction, the processing program comprising and making the computer execute the steps of:

detecting an input of a search instructing input by the player;

searching for a branching point provided on a way of a flow of story, for a predetermined period of time from detecting the search instructing input;

determining whether the branching point exists during the predetermined period of time after detecting the search instructing input; and

determining a branch destination of the story in accordance a success or failure of determining whether the branching point exists during the predetermined period of time.

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REMARKS

A final Office Action was mailed on April 22, 2004. Claims 1 - 16 are pending in the present application. With this response, Applicant amends claims 11 and 12. No new matter is introduced. Support may be found, for example, in Applicants' specification at page 22, line 5 through page 27, line 13 and in Applicants' FIG. 6.

ALLOWABLE CLAIMS

Applicants thank the Examiner for indicating that claims 1 – 10 and 14 – 16 are allowed.

REJECTION UNDER 35 U.S.C. § 103

Claims 11 - 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,305,131 to Best. Applicants amend claims 11 and 12 to further clarify the nature of their invention, and respectfully traverse this rejection.

In a Response to Office Action of January 27, 2004, Applicants provided the following arguments:

> Best discloses a video amusement system that includes branch points to provide for the selection of alternate sequences in a movie (see, e.g., column 7, lines 45 – 49 of Best). The system is capable of indicating to the user that a choice is available, either directly or for player inference (see, e.g., column 9, lines 62 – 67), and of indicating that a player response is expected (see, e.g., column 10, lines 7 – 8). The system of Best provides both for player selection of a branch point, as well as random choices elected by the system without player intervention (see, e.g., column 10, lines 9 – 13).

> In independent claims 1, 11, 12 and 14 – 16, Applicants disclose a method, apparatus and medium recording a computer program for branching in a video game according to a player's instruction. In Applicants' disclosed method, branch points are not directly revealed to a player. Instead, the player is provided with means to search for what is in effect a hidden branch point.

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If the player's search request is initiated within a predetermined time before a branch point is reached in a story sequence, the branch is executed in accordance with the player's instructions (see, e.g., Applicants' FIG. 6). If a branch point is not reached within the predetermined time, the player may be assigned, for example, a negative branch point which influences that availability and nature of future branch points. If a search is not initiated prior to the arrival of a branch point, a notification signal indicating that the branch point passed over is presented to the player, and a negative branch point may also be assigned.

In sharp contrast to Applicants' claimed invention, Best fails to disclose a method in which election of a branch requires initiation of a search request by the player prior to the arrival of the branch point. Rather, in the method disclosed by Best, an explicit (or implicit) indicator of a branch point is provided first to the player to stimulate that player's election of the branch. Moreover, unlike Applicants' claimed invention, Best fails to suggest or disclose a method that determines a branch destination on the basis of a success or failure of determining whether a branch point exists during a predetermined period of time after issuing a branch point search instructing input to initiate a branch point search.

In addition, with reference to Applicants' claim 11, Best fails to suggest or disclose a branch point selected by a player for which a branch destination is determined in accordance with a predetermined variant value. With reference to Applicants' claim 12, Best fails to suggest or disclose generating a notification signal when a branch point has been passed as unselected by the player.

The Examiner rebuts the arguments as to claim 11 by suggesting that Best discloses determining a branch destination in accordance with a predetermined variant value, where that value is a function of time (see, e.g., column 8, lines 13 – 15 and 40 – 46, and column 22, lines 37 – 45 of Best). Applicants amend claim 11 to clarify that the predetermined variant value is not determined as a function of time, but rather as "a function of a prior success or failure in determining the existence of another branching point that preceded the current branching point" (see, e.g., steps S5, S10, S12 and S30 of Applicants' FIG. 6). Applicants respectfully submit that Best neither discloses nor suggests the amended features of Applicants' claim 11, and that claim 11 is therefore allowable.

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As to claim 12, the Examiner notes that claim 12 does not explicitly require generating a notification signal when a branch point has been passed <u>as unsearched by the player</u>. Applicants amend claim 12 to explicitly include this requirement. Applicants respectfully submit that Best neither discloses nor suggests this requirement of Applicants' claim 12, and that claim 12 is therefore allowable.

Accordingly, Applicants respectfully submit that independent claims 11 and 12 are not made obvious by Best, and are therefore allowable. As 13 depends from allowable claim 12, Applicants further submit that claim 13 is allowable for at least this reason.

CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1-16, consisting of independent claims 1, 11, 12 and 14 – 16, and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he or she is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

Thomas J. Bean
Reg. No. 44,528

CUSTOMER NUMBER 026304

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To	Company	Fax Number	Phone Number
1 Examiner Kim T. Nguyen	United States Patent & Trademark Office	703-746-3246	703-308-7915

Date	Client/Matter Number
July 14, 2004	100809-00089

From	Attorney Number
Thomas J. Bean	20142

Phone	Fax
212-940-8800	212-940-8986
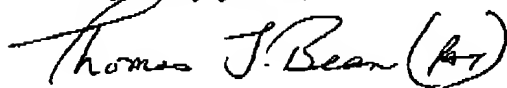
Total number of pages, including cover letter: 11
If you do not receive all of the pages, please call: (212) 940-8755

Comments Re. **Appln. No. 09/993,345**

Dear Examiner Nguyen:

Per our discussion today, and in preparation for our interview on Tuesday July 20, 2004, please find attached, a draft Response to the Office Action of April 22, 2004 in the above-referenced application.

Very truly yours,

Thomas J. Bean

For Messenger Department Use Only

Your fax has been sent. Attached is your original.

Date	Time

Signature

Important

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